

ORDINANCE NO. 22-11-02

**ORDINANCE OF THE CITY OF HELEN, GEORGIA TO AMEND CHAPTER 42 OF
THE HELEN OFFICIAL CODE; MISCELLANEOUS OFFENSES AND PROVISIONS;
BY THE AMENDMENT OF REVISION OF TWO EXISTING SECTIONS
AND ADOPTION OF TWO NEW CODE SECTIONS**

WHEREAS, the City of Helen is a Georgia municipal corporation; and

WHEREAS, O.C.G.A. § 36-35-3 provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general (*state*) law and which are not inconsistent with the Constitution or any charter provision

WHEREAS, the City Commission is the governing authority of the City of Helen; and

WHEREAS, the Georgia State Legislature has authorized certain additional offenses under the Georgia Code to be prosecuted as local ordinances since the last revision of Chapter 42 of the Helen Municipal Code; and

WHEREAS, the City Commission finds that other provisions of Chapter 42 of the Helen Municipal Code should be updated for the protection of the health, safety and welfare of City of Helen residents and visitors;

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained, that Chapter 42, Miscellaneous Offenses and Provisions; of the Official Code of the City of Helen is amended as follows:

Sec. 42-8. - Shoplifting. is revised and replaced as follows:

Sec. 42-8. - Shoplifting.

The first or second offense of shoplifting of \$500.00 or less within the corporate limits of the City of Helen, Georgia, is an illegal act. A person convicted in a municipal court of a first or second offense of theft by shoplifting property valued at \$500.00 or less shall be punished as provided in paragraph (1) of subsection (b) of O.C.G.A. section 16-8-14, provided that nothing in this section or O.C.G.A. section 16-8-14 shall be construed to give this city the right to impose a fine or punishment by imprisonment in excess of the limits as set forth in the Charter of the city or state law.

(Ord. No. 97-08-01, 9-16-97, 22-11-02) (O.C.G.A. Section 36-32-9)

Sec. 42-9. - Disorderly conduct is revised and replaced as follows:

Sec. 42-9. - Disorderly conduct.

A person commits the offense of disorderly conduct in the city of Helen when such person commits any of the following:

- (1) Acts in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life, limb or health;
- (2) Acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) Causes, provoke, or engage in any fight, brawl, or riotous conduct to endanger the life, limb, health, or property of another;
- (4) Interferes, by acts of physical obstruction, with another's pursuit of lawful occupation;
- (5) Throws bottles, paper, cans, glass, sticks, stones, or any other debris on any public property.
- (6) Directs fighting words toward another, that is, words which by their very nature tend to incite an immediate breach of the peace;
- (7) Stands or remain in or about any street, sidewalk, overpass or public way so as to impede the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk, overpass or public way after being ordered to do so by a police officer or other lawful authority;
- (8) Without provocation, uses to or of another person in such other person's presence, opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment, that is, words commonly called "fighting words"; or
- (9) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace.

(Ord. No. 97-08-01, 9-16-97, 22-11-02) O.C.G.A. § 16-11-39(d)

Code Section 42-25, previously a reserved code section, is added to the Helen Municipal Code, as follows:

Sec 42-25. Transactions in Drug Related Objects

The first or second offense of Transactions in Drug Related Objects within the corporate limits of the City of Helen, Georgia is an illegal act. The provisions of O.C.G.A. Section 16-13-32, (as same may be hereafter amended), are incorporated herein, verbatim, by reference. A person convicted in a municipal court of a first or second offense of Transactions in Drug Related Objects shall be punished as provided in paragraph (d) of O.C.G.A. section 16-13-32, provided

that nothing in this section or O.C.G.A. section 16-13-32 shall be construed to give this city the right to impose a fine or punishment by imprisonment in excess of the limits as set forth in the Charter of the city or state law.

(Ord. No 22-11-02) (O.C.G.A. Section 36-32-6.1)

Code Section 42-26, previously a reserved code section, is added to the Helen Municipal Code, as follows:

Sec 42-26. Insurance Required for the Operation of A Motor Vehicle.

The provisions of O.C.G.A. section 40-6-10, (as same may be hereafter amended), are incorporated herein, verbatim, by reference.

(Ord. No 22-11-02) (O.C.G.A. § 36-32-7)

Be it further ordained, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

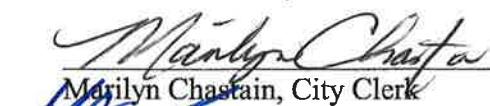
Be it further ordained, by the Helen City Commission, that this ordinance shall become effective upon adoption.

Be it further ordained, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

This ordinance approved by the Helen City Commission this 13 day of December, 2022.


(SEAL)
Fred Garmon, Mayor

ATTEST:


Marilyn Chastain, City Clerk

APPROVED AS TO FORM:


Carl Free, City Attorney

Date: 12-13-22

Passed First Reading 11-15-22

Passed Second Reading 12-13-22

Approved and Adopted 12-13-22